



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/151219

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 09, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on September 05, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether a medical expense incurred by the Petitioner on March 14, 2012 must be covered by the agency under the BC+ program.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703  
By: Katherine May  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On November 21, 2011, the agency issued a Notice of Decision to the Petitioner notifying her that she was not eligible for BadgerCare Plus (BC+) because she was not a U.S. citizen or an eligible immigrant.

3. On March 14, 2012, the Petitioner incurred medical expenses of \$407.15. The Petitioner submitted the bill to the agency on numerous occasions. The agency denied the claim numerous times on the grounds that the Petitioner was not an eligible immigrant.
4. On March 20, 2012, the agency issued a Notice of Decision to the Petitioner notifying her that she was not eligible for BC+ effective March 1, 2012 because she was not a U.S. citizen or an eligible immigrant.
5. The Petitioner entered the U.S. under the Immigration and Naturalization Act, Section 207, as a refugee. Refugees are eligible for BC+ according to the BC+ Handbook at § 4.3.
6. When the Petitioner applied to the agency for BC+ benefits, the agency incorrectly coded her as an “immigrant” rather than as a “refugee.”
7. On March 9, 2013, the agency corrected its coding error and re-coded the Petitioner as a refugee back to March 1, 2012.

### **DISCUSSION**

At the hearing, the agency conceded that the Petitioner had been incorrectly coded as ineligible for BC+ as an immigrant and that she was eligible as a refugee. On March 9, 2013, it corrected the mistake by backdating her BC+ eligibility to March 1, 2012.

The Petitioner has repeatedly submitted a medical bill for \$407.15 to the agency which has repeatedly denied the claim due to the incorrect coding error finding her ineligible. The medical services were incurred on March 14, 2012. The agency indicated at the hearing that the fiscal agent may be continuing its denial of the claim, despite backdating Petitioner’s eligibility to March 1, 2012, because the bill is now more than 12 months old.

It was agency error that resulted in denying Petitioner’s eligibility. The agency must pay the Petitioner’s bill as she was eligible on the date she incurred the medical expenses and the agency has backdated eligibility. The Petitioner has repeatedly submitted the bill for payment. The agency cannot now deny the bill based on its own error in denying eligibility and coverage.

The Petitioner may want to re-submit the bill, along with a copy of this decision, to the agency’s fiscal agent. The Petitioner may also want to send a copy of this decision to the collection agency as proof of the agency’s error in denying the claim and the agency’s responsibility to pay the claim.

### **CONCLUSIONS OF LAW**

The agency must cover the Petitioner’s bill for medical expenses of \$407.15 for services incurred on March 14, 2012.

**THEREFORE, it is**

### **ORDERED**

That this matter is remanded to the agency to take all administrative steps necessary to pay the Petitioner’s medical expenses incurred on March 14, 2012 in the amount of \$407.15. This action shall be taken as soon as possible but no later than 10 days from the date of this decision.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative

Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

## **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 25th day of October, 2013

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\sDebra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on October 25, 2013.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability